

ESTTA Tracking number: **ESTTA490508**Filing date: **08/22/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Crabar/GBF, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	2441 Presidential parkway Midlothian, TX 76065 UNITED STATES		

Attorney information	Thomas G. Jacks Chalker Flores, LLP 14951 N. Dallas Parkway Suite 400 Dallas, TX 75254 UNITED STATES tjacks@chalkerflores.com, docket@chalkerflores.com, cminchillo@chalkerflores.com Phone: 214-866-0001
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Applicant Information

Application No	85515663	Publication date	07/24/2012
Opposition Filing Date	08/22/2012	Opposition Period Ends	08/23/2012
Applicant	Printegrity Incorporated 1044 Ashland Street Houston, TX 77008 UNITED STATES		

Goods/Services Affected by Opposition

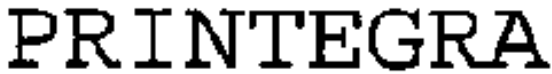
Class 035. First Use: 2001/03/13 First Use In Commerce: 2001/03/13 All goods and services in the class are opposed, namely: Promotional and advertising design services in the field of commercial logos and forms, provided in connection with printing services that are directed toward consumers
Class 040. First Use: 2001/03/13 First Use In Commerce: 2001/03/13 All goods and services in the class are opposed, namely: Printing services, namely, digital printing and design printing services in connection with printing services, related to printed products for consumers, namely, printing and customized printing of company names and logos for promotional and advertising purposes on goods of others and printing of forms for business and commercial purposes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2835179	Application Date	07/10/2002
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Registration Date	04/20/2004	Foreign Priority Date	NONE
Word Mark	PRINTEGRA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2002/10/01 First Use In Commerce: 2002/10/01 business forms, invoices, checks and shipping and address labels Class 040. First use: First Use: 2002/10/01 First Use In Commerce: 2002/10/01 printing services		

Attachments	76429030#TMSN.gif (1 page)(bytes) Notice of Opposition.pdf (5 pages)(24121 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/Thomas G. Jacks
Name	Thomas G. Jacks
Date	08/22/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In Re: Application Serial No. 85/515,663
For the Mark: PRINTEGRITY
Filed: January 13, 2012
Published in the Official Gazette: July 24, 2012

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Crabar/GBF, Inc.)	
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Opposer)	
)	
v.)	Opp. No. _____
)	
)	
Printegrity Incorporated)	
)	
Applicant)	
)	
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NOTICE OF OPPOSITION

Opposer, CRABAR/GBF, INC., a Delaware corporation, having offices at 2441 Presidential Parkway, Midlothian, Texas 76065 (“Crabar” and/or “Opposer”), believes that it will be damaged by registration of the mark shown in Application Serial No. 85/515,663 by Printegrity Incorporated, having a listed business address of 1044 Ashland Street, Houston, Texas 77008 (“Printegrity” and/or “Applicant”), and hereby opposes the same and requests that the registration to the Application be refused.

As grounds for opposition, Opposer alleges as follows:

1. On January 13, 2012, Applicant filed an application to register the mark PRINTEGRITY in International Class 035 for “Promotional and advertising design services in the field of commercial logos and forms, provided in connection with printing services that are

directed toward consumers”; and International Class 040 for “Printing services, namely, digital printing and design printing services in connection with printing services, related to printed products for consumers, namely, printing and customized printing of company names and logos for promotional and advertising purposes on goods of others and printing of forms for business and commercial purposes” as shown in Application Serial No. 85/515,663 (the “Applicant’s Mark”).

2. Opposer is the owner of U.S. Trademark Registration No. 2,835,179 for the mark PRINTEGRA[®] (“Opposer’s Mark”). Opposer’s Mark is valid, subsisting, and in full force and effect. Since as early as October 1, 2002, Opposer, its predecessors, or its related companies have continuously used the PRINTEGRA Mark in interstate commerce as a trademark for a variety of printing goods and printing services as set forth above (“Opposer’s Goods”). Opposer’s Mark has also continuously appeared in substantial advertising and promotion of Opposer’s printing goods and printing services, such that the mark is closely identified with Opposer’s Goods and has gained very valuable public recognition. Opposer has established an outstanding reputation as to the quality of its products sold under the PRINTEGRA Mark.

3. Opposer has continuously used its Mark in interstate commerce since long prior to any date upon which Applicant can rely. By virtue of its sales of high-quality products bearing Opposer’s Mark in interstate commerce, its expenditures of considerable sums for promotional activities and the excellence of its products, Opposer has developed significant goodwill in its Mark and a valuable reputation.

4. Opposer’s trademark rights for the PRINTEGRA Mark has priority over Applicant’s Mark, inasmuch as Opposer has continuously used its Mark since it commenced use

of its Mark, and Applicant's application lists a filing date of January 13, 2012, and is listed as an intent-to-use application.

5. Applicant's Mark so resembles Opposer's Mark that has been and is currently used, as to be likely to cause confusion, or cause mistake, or to deceive, in violation of Section 2(d) of The Trademark Act, 15 U.S.C. §1052(d), when used on or in connection with Applicant's Goods.

6. Under the circumstances, registration of Applicant's Mark will injure Opposer by causing the trade and/or purchasing public to be confused and/or deceived into believing that Applicant's Goods are those of Opposer or are sponsored by Opposer, to Opposer's damage and detriment, and will place a cloud over Opposer's title to its COLORWORX Mark in violation of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

7. Opposer's PRINTEGRA Mark was well established long before the filing date of Applicant's subject application, and at the time that Applicant filed the subject Application. Registration of Applicant's Mark would diminish and dilute the distinctive quality of Opposer's rights in its PRINTEGRA Mark in violation of 15 U.S.C. §1125(c). Moreover, registration of Applicant's Mark would diminish the advertising value of Opposer's Mark, and such registration would, in the event of any quality problems involving the goods offered by Applicant, tarnish the distinctiveness of Opposer's Mark.

8. Applicant's Mark is the same as, or substantially the same as, Opposer's Mark, including in visual appearance and in pronunciation.

9. Applicant's Mark is likely to and/or has diluted and lessened the capacity of Opposer's Mark to identify and distinguish Opposer's Goods.

10. Applicant's Mark so resembles Opposer's continuously used and well-known Mark as to be likely, when used in connection with the goods as set forth in Applicant's application, to lessen the capacity of Opposer's Mark to identify and distinguish Opposer's Goods.

11. The subject application should be refused because Opposer's rights of continuing its present use of its Mark in commerce are, or would be, threatened by Applicant's registration of Applicant's Mark for Applicant's Goods, and because Opposer's business would otherwise be damaged by Applicant's registration of Applicant's Mark for Applicant's Goods.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's PRINTEGRITY mark and prays that the Trademark Trial and Appeal Board sustain this opposition and refuse to register Application Serial No. 85/515,663 with prejudice.

Dated: August 22, 2012

Respectfully submitted,

CHALKER FLORES, LLP

By: /s/ Thomas G. Jacks

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ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served on all parties, this the 22nd day of August, 2012, by sending the same electronically through the Electronic System for Trademark Trials and Appeals (“ESTTA”) and first class mail, postage prepaid, to the following:

Printegrity Incorporated
1044 Ashland Street
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Lawrence P. Hampton
HAMPTON & TEPIKIAN, L.L.P.
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Houston, TX 77006-1967
Phone Number: (713) 521-9166
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/s/ Thomas G. Jacks

Thomas G. Jacks